

**BOARD OF PAROLE HEARINGS**

**En Banc Decisions**

**Tuesday, August 17 2010**

**Compassionate Release -- Penal Code section 1170(e)**

Pursuant to Government Code section 11126(c)(4)

**ALLEN, Veronica**

**W25685**

**Compassionate Release**

Motion:

THE PRISONER IS TERMINALLY ILL AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(A) AND CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT DO NOT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B).

Motion by:

Garner

Second by:

Labahn

Aye:

Arbaugh, Doyle, Garner, Labahn, Peck, Peppler

Nay:

Anderson, Jr., Gillingham, Melanson, Prizmich

Abstain:

Not Present:

Chrones, Tardiff

Decision:

**Refer to Court**

**PEREZ, Ramiro**

**C38691**

**Compassionate Release**

Motion:

THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B). PRISONER IS AMBULATORY AND DUE TO EXCESSIVE CRIMINAL HISTORY AND POOR INSTITUTIONAL ADJUSTMENT; PRISONER IS A THREAT TO PUBLIC SAFETY.

Motion by:

Labahn

Second by:

Anderson, Jr.

Aye:

Anderson, Jr., Arbaugh, Garner, Gillingham, Labahn, Melanson, Peck, Peppler, Prizmich

Nay:

Doyle

Abstain:

Not Present:

Chrones, Tardiff

Decision:

**Decline to Refer**

**RUBENSTEIN, Gary Robert**

**E23544**

**Compassionate Release**

Motion:

REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL. THE PRISONER IS TERMINALLY ILL AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(A): THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT DO NOT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B).

Motion by:

Garner

Second by:

Anderson, Jr.

Aye:

Anderson, Jr., Arbaugh, Doyle, Garner, Gillingham, Labahn, Melanson, Peck, Peppler, Prizmich

Nay:

Abstain:

Not Present:

Chrones, Tardiff

Decision:

**Refer to Court**

<b>ALBRITTON, Jason Worth</b>	<b>K21104</b>	<b>Governor Referred</b>
Motion:	AFFIRM THE MARCH 9, 2010 SUITABILITY DECISION AND IMPOSE THE FOLLOWING SPECIAL CONDITION OF PAROLE: NO UNSUPERVISED VISITS WITH CHILDREN UNDER TWELVE YEARS OF AGE WITHOUT PRIOR PERMISSION FROM PAROLE AGENT.	
Motion by:	Gillingham	
Second by:	Peck	
Aye:	Anderson, Jr., Arbaugh, Doyle, Garner, Gillingham, Labahn, Melanson, Peck, Pepler	
Nay:	Prizmich	
Abstain:		
Not Present:	Chrones, Tardiff	
Decision:	<b>Affirm</b>	
<b>BROWN, Sean</b>	<b>H63186</b>	<b>Governor Referred</b>
Motion:	AFFIRM THE APRIL 13, 2010 SUITABILITY DECISION.	
Motion by:	Anderson, Jr.	
Second by:	Gillingham	
Aye:	Anderson, Jr., Arbaugh, Doyle, Garner, Gillingham, Labahn, Melanson, Peck, Pepler, Prizmich	
Nay:		
Abstain:		
Not Present:	Chrones, Tardiff	
Decision:	<b>Affirm</b>	
<b>MOLES, Marvin Dean</b>	<b>H58177</b>	<b>Referred by Decision Review</b>
Motion:	THE PROPOSED DECISION IS DISAPPROVED DUE TO AMBIGUITY IN PAROLE RELEASE DATE. SCHEDULE NEW HEARING WITH SAME PANEL, IF FEASIBLE, FOR THE LIMITED PURPOSE OF CALCULATING A RELEASE DATE BASED ON THE FINDING OF THE GRANT ISSUED ON MAY 12, 2010.	
Motion by:	Garner	
Second by:	Anderson, Jr.	
Aye:	Anderson, Jr., Arbaugh, Doyle, Garner, Gillingham, Labahn, Melanson, Peck, Pepler, Prizmich	
Nay:		
Abstain:		
Not Present:	Chrones, Tardiff	
Decision:	<b>Rehearing</b>	
<b>PAGE, Patrick G</b>	<b>D96190</b>	<b>Governor Referred</b>
Motion:	SCHEDULE A RESCISSION HEARING PURSUANT TO THE FOLLOWING REASONS CITED IN THE GOVERNOR'S LETTER: GRAVITY OF THE LIFE CRIME AND LACK OF INSIGHT INTO THE LIFE CRIME.	
Motion by:	Garner	
Second by:	Prizmich	
Aye:	Anderson, Jr., Arbaugh, Doyle, Garner, Labahn, Melanson, Peck, Pepler, Prizmich	
Nay:	Gillingham	
Abstain:		
Not Present:	Chrones, Tardiff	
Decision:	<b>Schedule for a Rescission Hearing</b>	

**PENN, Kevin Mitchell**

**H30780**

**Governor Referred**

Motion: AFFIRM THE MARCH 18, 2010 SUITABILITY DECISION.  
Motion by: Gillingham  
Second by: Peck  
Aye: Anderson, Jr., Doyle, Garner, Gillingham, Labahn, Melanson, Peck, Pepler  
Nay: Arbaugh, Prizmich  
Abstain:  
Not Present: Chrones, Tardiff  
Decision: Affirm

**TRUJILLO, Valentin**

**J44555**

**Governor Referred**

Motion: AFFIRM THE MARCH 18, 2010 SUITABILITY DECISION BASED ON THE  
TERMS OF THE NOVEMBER 16, 2009 LOS ANGELES SUPERIOR COURT  
ORDER.  
Motion by: Labahn  
Second by: Anderson, Jr.  
Aye: Anderson, Jr., Arbaugh, Doyle, Garner, Gillingham, Labahn, Melanson, Peck,  
Pepler, Prizmich  
Nay:  
Abstain:  
Not Present: Chrones, Tardiff  
Decision: Affirm